



***Aboriginal news from across Turtle Island and beyond
July 1-5, 2013***

Aboriginal activists launch missing, murdered women probe: American Indian Movement member spoke with accused killer Shawn Lamb

[CBC News](#)

Jun 27, 2013 5:16 PM CT



AIM launches missing, murdered women probe in Winnipeg

The American Indian Movement says it is conducting its own investigation into five missing-women cases in Manitoba, and members have even tried speaking with accused killer Shawn Lamb.

Members of the activist organization, which established a chapter in Winnipeg earlier this year, say they are taking matters into their own hands with regards to missing and murdered aboriginal women.



Morris St. Croix, a member of the American Indian Movement in Winnipeg, says he doesn't think police are doing enough to investigate the case involving Shawn Lamb. (CBC)

The chapter announced Thursday that it has set up a task force investigating the high-profile disappearances of five indigenous women: [Tanya Nepinak](#), [Sunshine Wood](#), [Claudette Osborne](#),

[Mildred Flett](#) and [Jennifer Catcheway](#).

Lamb was [charged last year with three counts](#) of second-degree murder in the deaths of Nepinak, 31, along with Carolyn Sinclair, 25, and Lorna Blacksmith, 18.

Lamb remains in custody. The allegations against him have not been proven in court.

AIM member Morris St. Croix said he met with Lamb last week in an attempt to get more information about Nepinak, whose remains have not been found.

"When I went in there, what he tried to do is try to plead his innocence to me, and I just didn't buy it," St. Croix said of Lamb.

Winnipeg police would not comment on AIM's probe, except to say anyone with tips regarding a homicide should contact police investigators who are trained to handle such matters.

However, St. Croix said the police are not doing enough in their investigation.

"They want to do their own thing. That's all right, I'm going to do my own thing. I don't need permission to do this," he said.

Sue Caribou, an aunt of Nepinak, said she's glad someone else is stepping forward to help because she believes police haven't done enough to locate Nepinak's remains.

Investigators did conduct a search for Nepinak's remains at the Brady Road landfill last year, [but their six-day search uncovered no evidence](#).

Retired Supreme Court justice to be Ontario's lead negotiator on Ring of Fire

[The Globe and Mail](#)

Jul. 02 2013, 11:31 AM EDT
Adrian Morrow



Former Supreme Court justice Frank Iacobucci will jump into Northern Ontario's Ring of Fire as the province seeks to start massive mining projects in the remote area and create thousands of jobs.

Queen's Park announced Mr. Iacobucci's appointment as its lead negotiator Tuesday in talks

with Chiefs of the Matawa Tribal Council, which represents local First Nations. Matawa's negotiating team is headed by former Ontario premier Bob Rae.

Mr. Iacobucci, who will report directly to Northern Development and Mines Minister Michael Gravelle, said he was "honoured" to take the post.

"I feel passionately about involving First Nations in decisions about development in their communities and traditional lands and ensuring they benefit from the economic opportunities to be realized from development in the Ring of Fire," he said in a statement.

Mr. Iacobucci said he is hoping for an invitation to visit First Nations communities in the area before sitting down for formal talks.

Among the top issues to be worked out between the two sides will be deals on resource revenue sharing to ensure First Nations receive a share of the wealth generated from the mines, environmental protection and infrastructure building.

The Ring of Fire, a region more than 500 kilometres northeast of Thunder Bay in a low-lying wetland, contains large deposits of chromite and other minerals.

Both the province and the federal government, which has compared the Ring of Fire to the oil sands of Northern Alberta, believe developing the region could create thousands of long-term jobs with economic spin-off benefits for locals and net the treasury piles of money in resource royalties.

However, Queen's Park must find ways to develop the area without compromising wetlands.

"The province is taking a smart, sustainable and collaborative approach to resource development in the Ring of Fire," Mr. Gravelle said in a statement. "We want

development to deliver social and economic benefits for all Ontarians, while collaborating with First Nations and ensuring environmental responsibility.”

The 76-year-old Mr. Iacobucci, who retired from the Supreme Court in 2004 after 13 years, has worked on First Nations issues for the province before. Earlier this year, he finished an investigation that found First Nations people are discriminated against in the courts, and made recommendations to change the situation.

Dissatisfied chiefs could form new First Nations group: Idea of a new alliance will be debated at July meeting

[CBC News](#)

Jun 28, 2013 5:14 AM ET



Grand Chief Derek Nepinak, of the Assembly of Manitoba Chiefs, is giving a presentation at an upcoming meeting of chiefs on the idea of a new organization separate from the Assembly of First Nations. (Adrian Wyld/Canadian Press)

Tensions between the Assembly of First Nations and some chiefs who are feeling excluded could boil over next month at a meeting where a new breakaway organization could be born.

The National Treaty Gathering at Onion Lake, Sask., is taking place July 14 to 18, at the same time the AFN is having its annual meeting in Whitehorse. People will have to choose which meeting they want to attend.

Chief Delbert Wapass, of Thunderchild First Nation in Saskatchewan, plans to attend the Onion Lake meeting and says he's excited about what it might produce.

"I know it will be something great. Everybody should be there as far as I'm concerned," he said in an interview. Wapass said he has some concerns with the AFN, particularly when it comes to trust.

"If the AFN is not stepping up and defending our rights, we have to," said Wapass.

The annual National Treaty Gathering usually attracts about 800 people. Organizers of the Idle No More protest movement have also been invited to attend this year.

A copy of the agenda shows that Grand Chief Derek Nepinak, from the Assembly of Manitoba Chiefs, will make a presentation on the idea of a new group currently being referred to as the National Treaty Alliance.

He will outline a proposed mission and vision statement, membership and other components, and then it will be up to attendees to discuss and debate the idea.

'I think indigenous people across the country stand firm on recognizing that change needs to happen.' — *Grand Chief Derek Nepinak, Assembly of Manitoba Chiefs*

Nepinak said in an interview with the CBC's Julie Van Dusen that he won't speculate on the outcome of the meeting. He said he wants to see dialogue that will especially include consultation with the elders.

"It's going to come out with a strong voice for sure," he said about the meeting.

Nepinak said he has respect for the AFN and National Chief Shawn Atleo, but that in the past few years there has been too much rhetoric and not enough action.

Chiefs want focus on treaty agreements

One of his main concerns is the implementation of treaty agreements with the Crown, and he said many problems such as housing conditions and revenue sharing for natural resources stem from a failure to adhere to agreements.

He wants treaty agreements to be front and centre of discussions with the federal government and is worried that too often the issue gets folded in with other items on the agenda when Atleo meets with Prime Minister Stephen Harper. There is a general sense of feeling excluded and not being listened to, as the Idle No More protest movement demonstrated, and Nepinak said people are eager to get involved.

"We have to get past those political power vacuums that we've allowed to persist for too long, where very few people are allowed to share their ideas and their perspectives on what we need to do to move past the difficulties we face," he said.

Forming a new organization will be one option on the table, and Nepinak said whether it happens will be up to people at Onion Lake to decide.

"I think indigenous people across the country stand firm on recognizing that change needs to happen," he said.

Chief Lynn Acoose from the Sakimay First Nation in Saskatchewan said Atleo has been at the helm of the AFN at a difficult time.

"We've been waiting for things to change," she said.

Atleo met with Harper on June 20, and according to Harper's office they discussed what progress has been made since their Jan. 11 meeting. Treaty relationships were a main topic of conversation and so was education.

Atleo said he pressed Harper for clarity on commitments to treaty implementation and on timelines.

The meeting at Harper's office was not publicized, and the Prime Minister's Office only provided details about it after the media found out and asked for them.

Chief Okimaw Wallace Fox of the Onion Lake Cree Nation said he and other chiefs were not happy the AFN did not advise them of Atleo's meeting with the prime minister.

"What kind of leadership is that?" Fox told CBC News.

"We want to be included, our people's voices need to be heard, leadership needs to be heard and respected," he said.

On National Aboriginal Day on June 21, about 150 people marched from Victoria Island in the Ottawa River, where Attawapiskat Chief Theresa Spence held her protest hunger fast, to Parliament Hill. Some participants said the march was the beginning of a "Sovereignty Summer" that will feature a series of events.

First Nations group changing guide on dealing with police

[Canada First Perspective](#)

July 2, 2013

An aboriginal resource group in Winnipeg is revising its manual for youth moving from First Nations to the city, following concerns about a section on how to deal with police.

The Eagle Urban Transition Centre created the manual to help young people transition to life in the city. It includes tips on finding housing, jobs and a doctor.

But one part of the guide has raised eyebrows this week: the section on how to deal with police, with information that stresses a suspect's rights, including the right to remain silent.

The Winnipeg Police Service and the union representing its members say the guide paints officers in a bad light and promotes an "us versus them" mentality.

"I don't want the youth to have a misconception of the Winnipeg Police Service. I want them to get to know us as people too, as officers," said Patrol Sgt. Edith Turner of the police service's aboriginal and diversity unit.

Meeting held on Friday

The guide's wording prompted a meeting on Friday between transition centre director Jason Whitford, Turner and Mike Sutherland of the Winnipeg Police Association.

Whitford said the guide will be revised to include some of the suggestions from police and change the wording of some of the headlines, like "When police arrest or detain you," which uses the word "when" instead of "if."

"It's something that we overlooked in the book that we are working to correct," said Whitford.

Sutherland said he would like to see more information in the manual about preventing crime, rather than how to deal with police officers.

"If we don't move forward as a community to denounce crime and criminal acts, we're going to continue to struggle with violent crime rates," he said.

The revised manual will be made available in First Nations communities and several resource centres around Winnipeg.

Turner said she likes the idea of a guide for First Nations youth. She experienced her own culture shock moving to Winnipeg, but she said she found role models in the police force.

"It's 19 years now, I'd like to give back to the aboriginal youth and recruit them and mentor them as well," she said.

Warrior graves vandalized

[The StarPhoenix](#)

July 2, 2013

Jason Warick

A group of volunteers organized a recent cleanup event after a headstone and teepee poles at the gravesite of eight First Nations men hanged more than a century ago at Fort Battleford was vandalized.

"They were Cree and Assiniboine freedom fighters. It's part of our history," said North Battleford lawyer Eleanore Sunchild.

The eight men, who went by such names as Bad Arrow, Little Bear and Iron Body, were tried in 1886 for their alleged roles in the killing of white settlers in Frog Lake, Alta, on April 2, 1885.

Sunchild said they were tried without a lawyer or translator, and were denied many of the basic rights afforded other citizens at the time.

They were hanged at the fort in a public spectacle. Sunchild said children from the nearby residential school were brought to watch as a warning, as were members of local First Nations, who were starving after being denied many of the basic provisions agreed to in the treaties signed a decade earlier.

The men were buried in a mass grave that went unmarked until 30 years ago. Sunchild and others were horrified to discover last month that vandals had destroyed the teepee poles and tipped over the large headstone at the site.

She and others asked for volunteers on Facebook, and last week they conducted a two-day cleanup of the site.

The grave is not part of the national historic site, which includes the fort just outside the town of Battleford, so it was left to the volunteers, she said.

They could not get the heavy stone back in place, but at least were able to place the names face-up. They spent the rest of the time clearing the brush and other debris that has overgrown the site.

Sunchild hopes local First Nations or other agencies will ensure the care of the site in the future.

© Copyright (c) The StarPhoenix

The importance of the Tar Sands Healing Walk

Rabble.ca

July 2, 2013

Clayton Thomas-Muller



A couple years ago I was asked by the Keepers of the Athabasca to be Master of Ceremonies for a unique event:

the first annual walk to heal the Canadian tar sands.

It took place in the region of the most controversial energy project on earth. The idea was not to have a protest, but instead to engage in a meaningful ceremonial action to pray for the healing of Mother Earth, which has been so damaged by the tar sands industry. Members of the five First Nations of the Athabasca region and residents of the nearby town of Fort McMurray, Alberta, tired of the never-ending fight with big oil and its supporters in the Canadian government, had made a conscious choice to protect their way of life. This was done by turning to ceremony and asking through prayer and the physical act of walking on the earth for the hearts of those harming Mother Earth through extreme energy extraction to be healed.

By extreme energy extraction, I'm talking about practices like tar sands mining and fracking, which the oil and gas industry has had to resort to now that most of the easy-to-find liquid crude is gone. By scraping the earth for fossil fuels that are mixed with sand and rock, these techniques do tremendous damage to the places where they occur.

My journey started in Fort McMurray, also known as tar sands boom town. Many have described this place as the land of milk and honey, a place where you can trade five years of your life (and soul) and be financially "set up." I met with a motley crew of activists, elders, and youth from Fort Chipewyan, Fort McKay, Anzac, and the metro areas of Calgary and Edmonton, as well as some allies who had traveled from as far as British Columbia and beyond.

The plan was to take vehicles to the beginning of the infamous stretch of road that branches off of Highway 63 to form a ring through the tar sands. This road has gained a notorious reputation due to the many people killed in accidents there -- including 46 between 2007 and 2012. Its traffic rivals that of downtown New York City, and gets especially heavy during two daily shift changes.

Our plan was to pray, make offerings to the four directions, and walk through the heart of tar sands development as concerned elders, parents, and youth.

Highway 63 is the only road to Fort McKay Cree Nation, one of Canada's wealthiest yet most polluted First Nations, where water needs to be trucked in daily to meet the community's needs. The highway loops past vast human-made deserts in the form of tailings ponds wet and dry, and then past an archaic Suncor/Petro-Canada facility with black carbon-stained cracking towers that belch hellfire into the morning sky. The highway finally meets the junction that leads to Fort McKay and continues onward past the industrial metropolis that is Syncrude, Canada's largest tar sands operator, operated largely by ExxonMobil.

The Syncrude site is like something straight out of a science fiction movie. From the road, you can see glimmering stainless steel cracking towers that separate bitumen into synthetic oil, a massive tank farm, lego-like worker sleeping facilities stacked upon one another, and two half-built pyramids of sulfur (a by-product of the bitumen upgrading process) being built toward the sky like modern Towers of Babel.

Then comes what is probably the most absurd element of insanity on the Highway 63 loop: the buffalo demonstration project and reclamation site.

Yeah, you heard right. Some executive from Syncrude got it into their head that having live buffalo living under the stacks of their tar sands upgrader would be a good thing for the image of the tar sands industry. A herd of the most symbolic animals of our native heritage is subject to a slow poisonous death, its members grazing in toxic fields with an apocalyptic backdrop of tailings ponds and smoke stacks billowing white clouds of toxic death overhead.

But the absurdity doesn't end there. A few years back, some of these poor beasts were culled and distributed to elders in local First Nations. Instead of eating it, they had it sent away and tested. The tests came back showing that the meat was poisoned with heavy metals and other toxic compounds, which was present in concentrations hundreds of times above what is deemed acceptable for human consumption.

Shattered landscapes

During our preparations for the walk we discussed many fears about the risks involved in exposing our community to the contaminated and dangerous environment. Walkers were also scared that police would arrest them. Another fear was of the tar sands workers whizzing past us at 60 miles an hour or more in their semis and pickup trucks, as well as the infamous tar sands dump trucks, which are so large they look like a three story suburban home on wheels.

With these fears in our minds, we chose to listen instead to our hearts and to allow ourselves to be led by local First Nations elders into the tar sands Highway 63 loop. What I saw on the walk generated such a twisted feeling in my heart that I feel like I cannot articulate it. But I can try.

The landscape was unlike anything I had ever seen before. I walked past a tailings pond so big that it covered the horizon for miles, fed by a 24 inch wide pipe spewing a yards-high flow of liquid hydro-carbon waste so toxic that [water fowl who land in it die](#) within minutes. We saw from up close the hellfires of the Suncor/Petro-Canada stacks, with their 50-foot flames shooting up into the sky. I wondered what madness allowed Suncor to build them 500 meters away from the precious Athabasca River, which so many First Nations, Metis, and Inuit communities depend on for water.

As we walked, I pondered all of the battlefields that the emerging international movement to stop the tar sands and its associated infrastructure of pipelines, refineries, and shipping lanes is engaged with. I was overcome by the magnitude of our undertaking, picking a fight with the most inhumane and wealthiest corporations on the planet. As I put one foot in front of the other, I realized that if we did not focus our best efforts on stopping the era of extreme energy that this wasteland represented, we would be locked into a series of never-ending fights against pipelines, shipping lanes, and refineries across the continent.

No, I thought, that cannot work. This beast must be smothered to death at the source.

A powerful ceremony

At the beginning of the day, before the walk started, we argued about the right way to do the ceremony. What I know is that a bear showed itself to us at the start of our walk and that it carried with it the teachings of courage and protection. Later, an eagle flew over us and it represented the teaching of truth and unconditional love.

While we walked, we made offerings of tobacco and water on four strategic points along Highway 63. We prayed to each of the four directions and to called upon spirit, creator, mother earth, and all of the sacred elements to both heal the land and to touch the hearts, minds, and spirits of those responsible for her desecration. This was done so that the people destroying her could truly understand what they were doing. And wake up.

We did not get a huge global media sweep when our walk was finished. As a matter of fact, many of us got sick with what would become known in subsequent healing walks as the tar sands healing walk flu. We also found that our biggest supporters during that first walk were the tar sands workers and Fort McKay community members honking their horns and boosting our spirits with every honk. (The children on the walk made it a game to get the drivers to honk).

The tar sands healing walk was one of the most powerful ceremonies I have ever been a part of, comparable to our most sacred ceremony back home: the Sundance.

Something happened when we all decided to take a break from the battle with Big Oil, national and provincial governments, and the banks that finance them. When we decided to instead focus all of our intentions, our power and our love on healing our most sacred Mother and those that depend on her health through prayer, ceremony, and the physical act of walking together, we led with our hearts.

Fourth Annual Healing Walk July 5-6

[This year's Healing Walk](#) will be number four, which in many native circles is a very significant number: four directions, four nations of the earth. This walk marks the end of one cycle and perhaps the beginning of a new one in the battle against Big Oil.

This year's walk and associated events will take place in Fort McMurray from July 4 to 6. The former Chief of Smith's Landing Treaty 8 First Nation and respected Dene Elder Francois Paulette and the Athabasca Chipewyan Dene Nation Chief Allan Adam will both be speaking at a pre-conference on July 5 in the Metis settlement of Anzac.

They will be joined by author, activist, and founder of 350.org Bill McKibben; author and 350.org board member Naomi Klein; former U.S. vice presidential candidate, author, and Native American activist Winona LaDuke; and First Nations hip hop artist and activist Wabanakwut (Wab) Kinew.

The walk and ceremony for Mother Earth and her Peoples will take place on July 6. We invite you to join us in this historic occasion by either traveling to Alberta's tar sands in person and walking side by side with us, or by holding an event or ceremony in your home territory in solidarity.

Clayton Thomas-Muller is a member of the Mathias Colomb Cree Nation, also known as Pukatawagan, in Northern Manitoba, Canada. Based out of Ottawa, Ontario, Canada, Clayton is the National Campaigner with the Defenders of the Land-Idle No More campaign known as Sovereignty Summer and the co-director of the Indigenous Tar Sands Campaign of the Polaris Institute. Follow him on Twitter [@CreeClayton](#).

This article was originally published in [Yes!](#) and is reprinted here with permission.

Photo: Occupy Love / Velcrow Ripper

Teen's suicide report recommends changes to Alberta's child welfare system: Alberta Child Advocate's review of 16-year-old's death first of its kind

[CBC News](#)

Jul 3, 2013 10:08 AM MT



Alberta's Child Advocate Del Graff investigated the life and suicide of a 16-year-old boy and found too much attention was paid to his mother's problems at the expense of the boy's needs. (CBC)

Alberta's Child and Youth Advocate is hoping the

suicide last summer of a 16-year-old boy after a life of neglect and family violence will help save the lives of children in provincial care in the future.

Brian (a pseudonym given the teen in a review) grew up in a troubled household in a small community in rural Alberta with four younger siblings and a mother with addiction problems and prone to violent relationships.

Over time, Child Welfare was called repeatedly to intervene with the family, finally placing the children with relatives for their own safety, but early last summer the teen killed himself in the basement of his aunt's home where he was living.

In his review of the case, advocate Del Graff described Brian, a Métis boy, as shy, but intelligent with a sense of humour.

He avoided eye contact and responded with one-word answers to questions from adults and often wore his hair over his face and a hoodie over his head.

But he also attended school and enjoyed playing guitar and video games, Graff wrote.

Graff reviewed Brian's life and the government's role in his care, the first of its kind in Alberta after the province awarded the advocate's office the power to investigate issues in the child welfare system when children die in care last year.

His 44-page report, titled "Remembering Brian: An Investigative Review," found that over the years Child Welfare paid too much attention to the mother's troubles at the expense of the children's needs.

"It is vital that intervention services not only address the presenting issues in a family, but also fully examine and address the impacts those issues have had on children in the family," he wrote in his review.

He also recommended caregivers be provided with specialized training and support plans tailored to meet their individual and unique needs.

The province is reviewing the recommendations and will respond within the next 30 days, said a spokesperson.

Aboriginal elder Taz Bouchier to run in Ward 6

[Edmonton Journal](#)

July 3, 2013 2:05 PM



*Taz Bouchier (centre) with supporters at her campaign launch at Edmonton city hall Tuesday, July 3, 2013.
Photograph by: Elise Stolte, Edmonton Journal*

EDMONTON - Aboriginal elder Taz Bouchier has announced she will run for council in Ward 6.

Bouchier worked for nearly five years as an elder in the Edmonton Remand Centre and helped organize the Idle No More protests last fall.

She said she wants to address homelessness, addiction and crime in a more holistic manner.

"Some people cannot afford treatment," Bouchier said. "For me it's a health concern, not a criminal concern and yet it leads into criminal activity.

"How can we make it safer on our city streets? We should not have to worry about walking down the city streets and being confronted by someone who is literally out of their mind on some kind of substance."

Bouchier said she chose Ward 6 because of the diversity of ethnicities, religions and economic situations.

Ward 6 now has seven confirmed candidates, including city employee Kyle Brown, business consultant Bryan Kapitza, school trustee Heather MacKenzie, former Edmonton Journal columnist Scott McKeen, MacEwan student union executive Kassie

Russell and Edmonton police officer Dext Williams. Current councillor Jane Batty is not running again.

© Copyright (c) The Edmonton Journal

More than 600 local First Nations residents participate in extensive study

[Sarnia Observer](#)

July 3, 2013 2:15:45 EDT PM

Barbara Simpson



Aamjiwnaang band office

Mental illness, substance abuse and violence.

Local First Nations people will have a better understanding of how these issues have impacted their communities thanks to an extensive study underway in Lambton County.

Researchers from Canada's largest mental health training hospital are in the midst of compiling and analyzing data from a months-long study of Aamjiwnaang and Kettle & Stony Point First Nations.

More than 600 First Nations residents participated in the comprehensive study, answering a two-hour online survey and providing genetic samples in an on-site mobile lab.

The study is part of the Researching Health in Ontario Communities, a five-year project that brings a mobile research lab to diverse communities.

Study participants answered questions about their own mental health issues and their perspective on social problems, like racism, historical loss and stigma.

Researchers coupled this data with hair and saliva samples to examine a variety of biological markers, including the stress hormone cortisol.

"The idea is that somebody could answer a survey question about stress, but you're going to get a much better reading if you can get a biological measure of stress," said Julie George, project coordinator with Toronto's Centre for Addiction and Mental Health (CAMH).

George said the study aims to not only examine the local scope of mental health, addiction and violence issues but identify gaps in mental health services.

"Part of the reason the First Nations wanted to participate in this project is there's a real push in Kettle Point and in Aamjiwnaang to better integrate our services with outside services," said George, who is from Kettle Point. "Obviously we don't have enough capacity on the reserves to deal with the issues we're experiencing on reserves, so we need to rely very much on outside services in Sarnia, in London and in Windsor."

Researchers were pleased with the response they received from both communities, George noted.

"We were quite surprised by it because we were thinking there's still a lot of stigma and taboo around mental health and addiction anyways," she said. "Then when you go into First Nations communities, you have that extra apprehension (from residents) about being involved in research because historically the relationship between university and First Nations communities hasn't been very good."

Research facilities have traditionally used the "helicopter approach," swooping in to gather and use data however they like, George said.

CAMH instead hired research assistants from both First Nations communities to help collect data. Local health committees also provided input on the choice of survey questions.

Once the data is compiled, researchers will be working together with First Nations members to look at specific correlations, like social capitalism and addiction.

"The idea is if we have all this information we can go whatever direction we want with the First Nations to answer the questions they want answered," George said.

A final report on Kettle & Stony Point's data is expected to be released in late August. Aamjiwnaang's report is slated for release in November.

Group seeks to raise awareness of high aboriginal incarceration rates

[Leader-Post](#)

July 3, 2013

Kerry Benjoe



The Walk for Hope and Justice was held on the access road to the Regina Provincial Correctional Centre on Tuesday, as a peaceful protest to raise awareness about the high number of aboriginal youth and adults in correctional facilities. Photograph by: Troy Fleece, Leader-Post, Leader-Post

A group of concerned citizens wants to bring attention to the high incarceration rates of aboriginal people as a way to try to break the cycle.

On Tuesday, a small crowd gathered on the access road to the Regina Provincial Correctional Centre to participate in the Walk for Hope and Justice, organized by the Saskatchewan Coalition Against Racism (SCAR).

Bob Hughes, with SCAR and organizer of the walk, said there were a number of reasons why he decided to host the event.

He said the number of aboriginal youth, men and women incarcerated is not getting any better and will not get better unless real work is done to find alternative measures.

Hughes would like the province and the federal government to consider implementing new programs that would "divert" more people to community alternatives.

"Especially in the case of non-violent actions, which puts mothers and fathers back with their children," he said. "It's plain to see that with mothers and fathers incarcerated, they go into the system and continue on to these kinds of (correctional) institutions." He said it's a cycle that has not improved over time.

Hughes believes things can also be done to help improve the lives of inmates, which they can use when they are released.

"We want (First Nation) spirituality to be a priority, not low on the priority (scale) like it is (now)," he said. "Also at institutions, like the one here, we want open visiting. We don't want families to come and look through glass. The old part, they used to be able to roll around, hug and play. You need that if you want to keep your family structure together."

He said inmates also need better health care.

"We have seen people become much more ill once they are incarcerated," said Hughes.

He is also concerned with the increasing number of aboriginal people who are receiving dangerous offender designations. "It's Canada's death penalty and it's being taken way too lightly by the justice system," said Hughes.

Florence Stratton attended the walk because she is also concerned with the high number of aboriginal people incarcerated.

"There are so many injustices with the prison system these days," she said. "It's getting worse and worse with (Prime Minister Stephen) Harper's tough-on-crime (approach) and longer sentences."

Stratton believes more people should be concerned about what is happening in Canadian prisons.

"I'm glad I am here," she said. "I hope there will be more of us and I hope there will be more of us some other day." Hughes said Tuesday's walk was not the end of SCAR's efforts to urge the government to make changes.

"We just see all kinds of changes that can be made and we want to work with the government, people on the inside - inmates and staff - to make that happen," he said. "I think we got to look at other ways, more positive ways to make the whole community healthy."

Hughes said a letter campaign is next on the agenda. He felt compelled to act now because of the many calls his office receives from inmates.

"We have heard from the inmates and they are feeling buoyed by the fact that we are walking," said Hughes. "We want them to know that we are working on ways to bring about positive change. Incarceration is the punishment. The punishment shouldn't go further once you are in there."

kbenjoe@leaderpost.com

© Copyright (c) The Regina Leader-Post

Federal government's conduct 'far from irreproachable' says Canadian Human Rights Tribunal

[APTN National News](#)

03. Jul, 2013



The federal government has been accused of knowingly withholding key pieces of information from parties involved in an ongoing Canadian Human Rights Tribunal looking into whether Canada discriminates against First Nations children.

In a ruling released Wednesday from the tribunal panel, Canada has until the end of August to provide tens of thousands of documents relevant to the case that they've been withholding.

The documents were discovered after Cindy Blackstock, executive director of the First Nations Child and Family Caring Society, one of the complainants in the case, submitted an access to information request to the department of Aboriginal Affairs.

The tribunal is hearing a case brought on by the FNCFCS and the Assembly of First Nations. Both accuse Canada of spending less on First Nations child welfare than what provincial governments spend for non-First Nations children.

What seemed to trouble the tribunal panel was that the government concealed the relevant documents from the parties involved and for how long.

"The respondent (Canada), knew of the existence of a number of these documents, prejudicial to its case and highly relevant in the summer of 2012 and yet failed to disclose them," the ruling states.

According to the ruling, the parties involved, including the Canadian Human Rights Commission, the AFN and the Chiefs of Ontario, had three opportunities, Oct. 31, 2012, Dec. 28, 2012 and Feb. 25, 2013, to disclose information that could be used to examine witnesses who were called to testify.

Canada submitted its first two sets of records by October and its third at the end of December. In a conference call with all parties in early February, Canada confirmed that, for its part, it would be able to abide by the Feb. 25, 2013 deadline.

But all that came crashing down in May 2013 as the tribunal was underway. The hearings start again July 15.

The discovery of the large amount of documents came after Blackstock became curious about the lack of information being disclosed by Justice Canada at the hearing. In the fall of 2012, Blackstock filed an access to information request to Aboriginal Affairs.

In April 2013, she received a compact disc containing thousands of records dealing with First Nations child welfare agencies across the country and information regarding some of the witnesses who had already testified at the tribunal. When Blackstock cross-referenced the information to what the government had disclosed, she found that the information was no where to be found. The information included an audit of the Mi'kmaq Family Services in Nova Scotia and the Gixen Family services in British Columbia.

When the hearings started again in May, Blackstock and her lawyer brought up the issue.

"This is a surprise to us that there is a large volume of documents yet to be disclosed," FNCFCS lawyer Paul Champ told the tribunal. "We always believed there would be ongoing disclosure because the case is ongoing and new audits come up then fine, but it appears from the letter from counsel (Justice Canada) that basically there's a large number of documents dating back to 2010 that have not yet been disclosed."

It was then Canada acknowledged that there were approximately 50,000 documents that may be relevant to the tribunals work and that it would take considerable effort to get those documents ready for the parties involved.

The feds said at the hearing that it was going beyond what its understanding of disclosure was for this case.

"The Attorney General takes disclosure very seriously," said Justice Canada lawyer Jonathan Tarlton at the hearing. "I understand that before this hearing was

reconvened, it was anticipated that disclosure would go back to 2009 and as Mr. Champs' letter states, we've gone to 2010."

None of the parties could recollect such an agreement.

The federal government knew it had a mountain of paperwork to go through. Every regional office was being tapped for documents from coast to coast to coast.

In 2008, it hired Public History Inc. to sift through the records and prepare a package for Aboriginal Affairs and Justice Canada to approve. But it was while one of PHI's staff was testifying at the tribunal that the parties learned of the scope of the search and that Canada was not even close to meeting its deadline.

According to Pia Newell Santiago, co-president of PHI, Canada was told in October of 2012 that because of the high number of records, it was at risk of missing its March 2013 deadline.

The company suggested that Canada hire a second company to assist. Canadian Development Consultants Inc. was hired in March 2013, three days after Canada lost its last federal court ruling trying to kill the tribunal hearings. CDCI informed Canada that its projected completion date was the end of September 2013. According to the tribunal, Canada also hired a third company, but has yet to provide details, including the name or the nature of its work for the government.

This testimony wasn't lost on the tribunal panel. In its ruling it chastises Canada for failing to reveal this information.

"The respondent attended the hearing dates in April 2013 knowing full well that its disclosure requirement was incomplete. Furthermore, it had just entered into a contract with CDCI to assist in completing its disclosure requirement and had been informed by the company that it would take until the end of September 2013, at the earliest, to complete. The respondent withheld this information from the parties and the tribunal," the tribunal said.

No one from Aboriginal Affairs was available to comment.

The tribunal sent the parties off together to try and work out an agreement of when the records would be disclosed. Canada stated that it could roll out the release between September and December 2013, or after the tribunal had wrapped up its work. A number of meetings followed and the parties could not agree so they asked the tribunal to rule.

The tribunal panel was asked by the Caring Society to set a final date of mid-June where all the documents held by the government of Canada would be disclosed.

Canada on the other hand, said that given the vast amount of records to be sorted and approved, asked for an adjournment until the fall.

In Wednesday's ruling, the panel met each party halfway.

The panel ordered Canada to fully disclose the records by August 31, 2013.

And added:

"We note that the respondent's conduct here is far from irreproachable...had the respondent communicated the challenges it faced in obtaining these large amount of disclosure, the tribunal, with the parties, could have worked together to find a solution. The respondent has denied this opportunity to everyone and forced the tribunal, to put it bluntly, into a mode of damage control."

The hearing will now go into 2014.

news@aptn.ca

'Not fit for human habitation': Academics pan new site for flooded First Nation

[Winnipeg Free Press](#)

July 3, 2013

Alexandra Paul



A Lake St. Martin resident steps on sandbags on the flooded First Nation in 2012. Researchers say the reserve's new site is just as prone to flooding as its old one.

University of Manitoba academics warn a new relocation site for First Nations flood evacuees is just as prone to flooding as the reserve that was submerged in the flood of 2011.

Natural Resources Institute associate professor Shirley Thompson and research associate Myrle Ballard say Lake St. Martin evacuees are about to be relocated on land they'd lose to the next major flood.

First choice, worst choice

University of Manitoba academics used agricultural soil surveys to examine three sites proposed for the relocation of the Interlake Lake St. Martin First Nation. They concluded the site chosen for relocation, called the Halaburda site, is flood-prone and the worst of three locations considered for the new reserve lands. Here's what they found:

- **Halaburda site:** Next to the existing flooded out reserve is 830 feet (253 metres) above sea level. The soil is peat, flooded in the past and prone to flooding. Agricultural capability shows excessive moisture. Property is 388 hectares. Homes promised next year. Risk for flooding is high, with \$250-million provincial projects to build flood-fighting channels. Access is by Provincial Road 513, off Highway 6.
- **Karen Price site:** 65 km south of Lake St. Martin, 863 feet (263 metres) above sea level. Soil is sandy, good for drainage. Land is suitable for agriculture. Moderate to low flood risk. No plans for homes. Owned by LSM band. Highway 6 access, 55 hectares.
- **Grahamdale site:** 75 km south of Lake St. Martin 920 feet (283 metres) above sea level. Sandy, good drainage, suitable for residential development. High ground but limited moisture for agriculture. Low flood risk. Private land, previously on the market. Access is via a dirt road five kilometres off Highway 6. Road is prone to flooding. Considered remote. 259 hectares.

After nearly two years of land deals that fell through at the last minute, representatives for the federal and the provincial governments and Lake St. Martin announced in May they had a new place to live.

The new site, a combination of provincial Crown land and land purchased from two farming families, sits next to the existing reserve but on slightly higher ground. Both levels of government dismissed the academics' misgivings and First Nations leaders could not be reached for comment.

Residents of Lake St. Martin were forced from their homes in May 2011 and have been unable to go home. Chronic flooding over several years left most homes uninhabitable and the ground saturated. Ottawa has spent more than \$70 million housing and feeding evacuees from Lake St. Martin and five other First Nations since the 2011 flood. About 1,074 are from Lake St. Martin.

The two academics have stepped forward with the following misgivings:

The ground is higher, yes, they said, but not by much. Provincial agricultural soil surveys show the land is poorly drained and peaty. With construction of the province's two \$250-million flood-fighting channels in the area, the academics believe ground-saturation levels will rise and with it the risk of overland flooding.

"On a multitude of levels, it's poor. There is no possibility for cropping, the site needs major drainage and usually when the soil is too poor for agriculture it's because it's been flooded," Thompson said.

Locating a community of 1,000 or more people there would be costly and ultimately futile, she said.

"The cost of building houses and roads is going to be very high. They would have to build up the land or build differently, with no basements or on stilts," Thompson said.

In the end, everyone might lose their homes in the next major flood, Ballard warned.

Ballard was born on Lake St. Martin and has relatives among the evacuees but she made a life for herself in Winnipeg and won't be relocating. Still, the deal to move to the site next to the flooded reserve upsets her.

"Yes, they're going to get new homes but if you build on a site that's wet, those homes are going to mould. They'll be right back to square one. They're building on a site that's not fit for human habitation," Ballard said.

Lake St. Martin evacuees, like other displaced First Nations residents, have suffered a host of social problems after two years in a life of concrete and city lights.

Teenagers used to rural life have been lured into street gangs and the community is disintegrating, a phenomenon that Thompson and Ballard documented this year in a study and a video presentation.

Both blame those social consequences on poor provincial management of the 2011 flood and its impact on the Interlake.

The two say that the province's agricultural soil surveys offer a different set of facts from their own social conclusions but they're just as bleak.

The federal government said in an email from the office of the aboriginal affairs minister that: "The lands in question were assessed by the province to have superior drainage capacity than the other pieces of land. Our goal is to ensure that the community is rebuilt in a suitable location that will not be subjected to future flooding. "Our government will continue to work with the Lake St. Martin First Nation leadership and the province of Manitoba to make this happen as quickly as possible."

The provincial government said in an email that a number of factors, including elevation and the ability to create proper drainage, were considered when the

selecting the site. "In fact, if the land were to flood again in the future, the federal government would have a responsibility for repairing the damage and thus have not made the decision without due consideration."

"This land is high ground safe from flooding from Lake St. Martin (on average this land is over about 20 feet above the lake). The First Nation has commenced development planning for their new community on this land," the province said.

Put Aboriginal People at the Top of Education: Appointing them to post-secondary boards shows importance of participation, Sophie Pierre says. Part of a series.

The Tyee
July 3, 2013
Katie Hyslop



B.C. Treaty Commission Chief Commissioner Sophie Pierre: B.C. universities and colleges 'should want an Aboriginal person' on their boards.

[Editor's note: This is the fourth installment in ["Call of the Spirit,"](#) a Tyee Solutions Society series that seeks ideas for improving Aboriginal education in Canada. In the series, reporter Katie Hyslop profiles six Aboriginal post-secondary graduates about their experiences, asking them, "How would you change post-secondary education to make it a more welcoming and viable option for Aboriginal people?" Find the first three in the series so far [here](#). Look for more in coming days.]

In 1948, First Nations compulsory attendance in residential schools in Canada was done away with. Previous to that, First Nations parents living on reserves who didn't

send their children to residential school would be arrested and see their children taken away.

But when Sophie Pierre started elementary school in 1956, her family sent her to the St. Eugene Mission residential school because they were unaware they had a choice.

"I think that it was so ingrained in many of our people that that's the way that it's supposed to be," said Pierre, now 63, who grew up on the ʔaᑭam (St. Mary's) band reserve just four miles outside of Cranbrook.

While at St. Eugene from Grade 1 to 8, Pierre only saw her mother and stepfather for half an hour on one Sunday a month during the school year, despite the school's location just across the St. Mary's River from her reserve. She doesn't recall her parents encouraging her education at that time; they were just so happy to be able to see one another.

But that changed when Pierre transitioned into public school at 15. Her mother, who had been a sickly child, attended residential school for only three years in the 1930s. Back then the curriculum consisted only of religion and the domestic arts. But that didn't deter Pierre's mother from educating herself through voracious reading, and she encouraged her only child to finish high school.

Pierre says she was one of about nine students who left St. Eugene for Mount Baker High School in Cranbrook in 1965. But by the time she got to Grade 12 there were only her and one other student from the reserve left at the school.

"It was good to get out of the residential school. It was good to go into Mount Baker [Secondary School in Cranbrook]," Pierre recalled. "But it was also really, really difficult. They were not really good times yet, between the reserve and town."

But she also had support from Cranbrook pharmacist Don Macdonald and his wife, Mable. The pharmacist hired Pierre to work in his store when she was 16, told the young First Nations woman that he saw "potential" in her.

"They put me to work in the drugstore when I was 16, just the year after I left residential school. So I had more exposure, and I think I had just a little bit easier time than certainly a lot of my fellow students that were trying to make that transition from being in the residential school to be in a public school," she said.

'You can only baffle with BS for so long'

By the time she was in Grade 11, Pierre had gained the confidence to enter the Cranbrook beauty pageant -- and won. She had dreams of travelling the world by

becoming a stewardess with U.S.-based Trans World Airlines. But then, at 17, she got pregnant, married, and dropped out of school.

"My mother was very disappointed. She was very angry with me and it took a while to get over that," she said.

Five years later and separated from her husband, Pierre realized she needed her Dogwood high school equivalency diploma. She enrolled in an adult education program, while working simultaneously in the band office. She graduated, but knew she needed to go further in school.

"[I] started as band secretary and worked my way up to become band manager and realized that you can only baffle people with your BS for so long," she said.

So in 1976 she took her two young children and moved to Victoria to complete Camosun College's two-year diploma in business administration with an accounting major. It was very rare at the time for people to leave her reserve for school, but although Pierre's parents were disappointed their daughter and grandchildren would be so far away, they encouraged her academic pursuit.

Business administration and accounting appealed to Pierre because she was interested in independence, both for her community and herself. She felt a freedom in college that wasn't afforded to her as a high school student or a member of a First Nations reserve that still had an Indian Agent making decisions for them.

"I loved it. I loved that atmosphere, I loved the challenge of it," she said of attending Camosun. "The exposure that I had to a whole world of just questioning, being able to ask why, not just taking what you're told as gospel."

Appointed to the board

The next step in Pierre's plan was to tackle a bachelor of commerce at the University of Victoria. But fate intervened when St. Mary's Band called her back home to help set up the Ktunaxa/Kinbasket Tribal Council (now the [Ktunaxa Nation Council](#).)

Unlike the St. Mary's Band, which was established by the Indian Act, the tribal council was appointed by the Ktunaxa people who lived there, and isn't accountable to the federal government. The Nation Council's main concerns today are culture and language preservation, community and social wellness and development, resource management, and self-government.

Pierre expected to spend a year or two back home, no more, before she could return to school. Instead, it was the beginning of a 30-year career.

"I started that in September, then they had elections in October. And I don't know, being young, I figured I could do anything and everything, so I threw my hat into the ring and got elected, and then ended up serving on council continuously from 1979 until 2008," she said.

She spent 26 of those nearly 30 years as chief of her own St. Mary's Band council, and 25 of them administering the Nation Council, in addition to numerous other positions on Aboriginal business, culture, and education boards. Since 2009, Pierre has served as chief commissioner of the [BC Treaty Commission](#), re-appointed for her second term on April 1, 2013.

The St. Mary's Band has much to show for her time as chief: a reclaimed old St. Eugene Indian Residential School transformed into an [upscale hotel](#) with a casino and golf course. The Aqamnik Elementary School that teaches kids from kindergarten to Grade 8 the Ktunaxa language and culture, in addition to the provincially mandated curriculum. Pierre herself was [awarded](#) the Order of B.C. in 1994, nominated by her own people for her "deep and inspiring respect for the human being."



The Ktunaxa-owned St. Eugene Mission Resort near Kamloops: a quarter century as chief of a development-minded band equipped Pierre to serve as a governor at the College of the Rockies.

One of her significant accomplishments was her appointment to the [College of the Rockies](#) board of governors in Sept. 1990. She was the first Aboriginal person to hold a seat on the College's board, and remained there until April 1993.

For Pierre, post-secondary institutions, particularly those in smaller communities, have the responsibility to reflect their community's demographics and respond to its needs, making the appointment of Aboriginal people at the highest levels invaluable.

"[An institution] needs to respond to the needs of the community around it. So the college in Cranbrook needs to respond to the development that's going on in the Elk Valley, or in any other development that's going on in this region," she said, adding there is no one better to represent Aboriginal peoples' needs than an Aboriginal governor.

When she served on the board for the College of the Rockies the school was young and there were few Aboriginal students. Today, her eldest son Joe Pierre sits on the college's board, and Aboriginal enrollment [remains](#) small, about six per cent of the

student population. But that presence is still greater than that of Aboriginal people in the province generally (four per cent) and the number is rising steadily, if slowly.

For Pierre, it's not enough simply to have an Aboriginal advisory board or council at an institution. Aboriginal cultures, histories, and presence must be woven into the culture of the institution, and the best way to do that is to have an Aboriginal board member.

"The Aboriginal people are really just a part of the college [of the Rockies] life," she says. "It's like there's something about the Aboriginal people that's constant within the life of the college."

A goal to double Aboriginal board representation

As of Feb. 2012, fewer than half -- 11 out of 26 -- of the public post-secondary institutions (universities as well as colleges) in B.C. had Aboriginal members on their boards of governors. The Ministry of Advanced Education [hopes](#) to place Aboriginal governors on as many as a dozen more public, post-secondary school boards by 2016.

BC Colleges, an organization representing the 11 public colleges in the province, says that as of Sept. 2012 all of their colleges had Aboriginal representatives on their boards of governors. BC Colleges president Jim Reed says that in addition to representing Aboriginal students, Aboriginal governors are essential in furthering indigenous programming or "culturalization" in the province's colleges.

"There's a fairly intensive focus on cultural sensitivity, both in terms of faculty and support staff, whether it's in programming we provide or the services that we provide," he said.

"And that can only be gained from the perspective of Aboriginal people who lend their knowledge and experience to the institution and make [it] more aware of perhaps how they can do things differently, to make the institution more welcoming and more comfortable for Aboriginal students."

Higher Aboriginal representation in post-secondary institutions has become a cause for National Chief Shawn A-in-Chut Atleo of the Assembly of First Nations as well. As the first chancellor of Vancouver Island University, Atleo says his appointment to the position in 2008 was partially because of his push for institutions to put more Aboriginal people in high-ranking positions.

"I've had the chance to sit down with leaders in post-secondary institutions to encourage them to act in reforming their institutions now, to not have their First Nations be an afterthought or an external appendage or a way to maybe get some First Nations money, but rather to bring about structural recognition," he said,

noting that Nipissing University recently made history by [appointing](#) the country's first Aboriginal university president, Mike DeGagné, last year.

"And I'm seeing more appointments happen of First Nations academic leadership now in the offices of the executive suites in universities. ... But this doesn't mean that this has come very quickly in academic leadership in this country. It's come rather slowly, not quick enough for any of our satisfaction."

'They should want an Aboriginal person': Hoggan

Debra Hoggan's experience on the board of governors at Emily Carr University of Art and Design is symbolic of the slow pace of change. Although not the first Aboriginal governor the University has had, she says it's been a struggle to educate some of her fellow board members on the importance of Aboriginal representation on the board and in the student body.

"I think that many of them look at the Aboriginal community as being so needy, and they don't even think that they can contribute a lot to the education system," she said.

Emily Carr's Aboriginal population is small: only 90 out of 4,000 students in 2012 -- less than its goal of 125 students. But Hoggan has managed to improve access to the University for Aboriginal students by setting up a five-year scholarship in her name, and working on fundraising initiatives with the University's Aboriginal Program Office.

Now serving the last year of a five-year term on the board, Hoggan says she often feels pigeonholed by her fellow governors: "I feel that I have more to offer than just the Aboriginal history and perspective, because of my passion in fundraising, but I felt that other board members thought that I only knew about being a native person. I found that challenging."

However she says Aboriginal presence on post-secondary boards of governors is essential to showing Aboriginal youth that pursuing their education is not only possible, but worth it.

"We've got to get that message out to children as well as parents and then for counselors, to even know that there is Aboriginal representation on boards I think opens the door for students who might be considering going forward, who have that desire to move on."

Hoggan, who was appointed to the board by the government's Board Resourcing and Development Office, questions why there was just one Aboriginal member of the 15-person board. Post-secondary institutions can recommend potential board

members to consider, and Hoggan says to the best of her knowledge Emily Carr hasn't recommended an Aboriginal person before.

This spring was Hoggan's last on the board, and she wonders who will replace her.

"Now I'm starting to talk to the president about 'We should be looking for another Aboriginal person. We've got to get someone else appointed, we've got to make sure you have at least another Aboriginal person to fill this one position.' I don't know what their thinking is," she said.

"But it shouldn't have to be that way, where they feel they have to have an Aboriginal person. They should want an Aboriginal person."

Weaving in the Aboriginal thread

The Tyee Solutions Society asked the Emily Carr University of Art and Design if they would recommend an Aboriginal person to replace Hoggan.

Barry Patterson, the university's executive director of communications, said in an email that they strive for diversity of appointments, but also proper qualifications.

"This has been reflected in past appointments. Diverse representation will be important as we proceed into a nomination process for those individuals finishing their terms at the end of this year and future selection. Emily Carr is dedicated to providing access and support for Aboriginal students through our Aboriginal Program Office and the Aboriginal Gathering Place," he wrote.

BC Colleges' Reed says there are some barriers to appointing more Aboriginal people to boards, not the least of which is the lack of awareness that the positions are available.

"Other barriers have included the availability of people with some experience and the right skill sets to be comfortable that they're sitting on a board such as a college. The availability of people to attend regularly scheduled meetings, and that's not just limited to Aboriginal representation, that can be a barrier for other people being on our board as well," he said. Hoggan's experience of not feeling fully accepted by the rest of the board, he added, is also a common barrier.

But moving beyond those barriers is important for the future academic success of Aboriginal youth. In Pierre's deeply experienced view, it's time for post-secondary institutions to move beyond the token recognition of Aboriginal people, culture, and histories in one-day celebrations like Aboriginal Day, and instead to put Aboriginal people in positions of power.

Using an analogy from her days as chairperson of Aboriginal Tourism in British Columbia, Pierre says Aboriginal presence in post-secondary education "can no longer just be a decal that you place on the fabric of the industry. It is a very important thread in that whole fabric."

Non-status First Nation won't pay municipal taxes: Chief

[Ottawa Citizen](#)

04 July 2013 13:36

Teresa Smith

OTTAWA — A non-status Algonquin community in Pembroke has put the city on notice that its members will no longer pay municipal taxes as the city sits on unceded Algonquin land.

The Kinouchepirini Algonquin First Nation, which is not a recognized Indian Band under the federal Indian Act but nonetheless claims Algonquin ancestry, is a group of 14 families living around Pembroke and Renfrew County.

Their elected chief, Grant Tysick, 46, sent a letter to all 17 municipalities of Renfrew County and the City of Pembroke on May 30 outlining his community's decision to stop paying municipal property taxes, which he considers a type of assimilation.

"To pay municipal property tax on land that's yours is quite unbelievable," he told the Citizen on Wednesday. Tysick said the Royal Proclamation of 1763, signed by the British Crown, sets aside most of eastern Ontario "for Indians" and that, because there was never a treaty signed in this territory, the Algonquins continue to hold title to the land.

"The Royal Proclamation of 1763 is the Magna Carta of our rights and, if it's put in front of a judge, he'll see that (this land) is held in trust. It's the traditional hunting grounds of the Algonquin Nation — it's plain and simple."

In a short letter of response, Pembroke Mayor Ed Jacyno thanked Tysick for alerting the city and wrote "as you may be aware, property tax revenues collected by municipalities provide for valuable services in support of all users including those of aboriginal and non-aboriginal ancestry alike."

Jacyno was not available for comment Wednesday.

Tysick said the community plans to continue paying for garbage collection, but is prepared to take the battle to court.

"We're not on the defence anymore. We're asserting our rights and these municipalities are going to have to defend themselves now," he said.

The Kinouchepirini Algonquin are not part of the ongoing Algonquins of Ontario land claim that is currently being negotiated with the provincial and federal governments.

He said this move is partly to pre-empt that deal, saying the Algonquin negotiators do not represent the interests of all Algonquin people in the province and he is concerned that, through the deal, his people will lose many of their land rights.

In his letter to the municipalities, Tysick also referenced a Jan. 8, 2013, federal court decision that puts them, as a non-status community, in the same Constitutional category as status Indians.

The Daniels decision means that the federal government is responsible for legislating non-status Indians and Métis people, who had for years fallen through the cracks between provincial and federal jurisdiction.

In February, the federal government signalled that it will appeal the decision.

However, Ottawa lawyer Max Faille, a partner in Gowlings' Ottawa office who specializes in Aboriginal law, said while he hasn't studied the Kinouchepirini case specifically, the decision "doesn't mean that the Indian Act or the tax exemptions that flow from the Indian Act automatically apply."

Under the current regime, only status Indians — who are listed in the federal government's Indian registry — are subject to the Indian Act and they are only exempt from paying property taxes if they live on-reserve.

That means most aboriginal peoples, including status Indians who live off-reserve, non-status Indians and Métis and Inuit people must pay property taxes.

Still, the Daniels decision has emboldened non-status communities to demand rights they were previously denied and the Kinouchepirini Algonquin First Nation is likely to be the first of many such declarations.

In a 1980 report, the federal government defined non-status Indians as "a group of native people who have maintained a strong affinity for their Indian heritage without possessing Indian status." Their "Indianness," it said, is based on self identification and group recognition. By 1995, the number of non-status Indians living in Canada was estimated at 404,000 and could now be as high as one million.

Many non-status Indians are descendants of native women who married non-native men and were forced to move away from their communities.

Others chose to leave because they did not want to live under the Indian Act regime, relegated to small plots of land, unable to practise their traditions.

However, as part of the Indian Act, once they moved off-reserve, they were no longer considered "Indian."

Still, many non-status Indians share common ancestry with those who still have status and, while they do not enjoy the same rights and various types of government support offered to status Indians, many are still very much in touch with their traditional ways of life, and continue to identify as Indigenous, regardless of government recognition.

Members of Kinouchepirini Algonquin First Nation are already in court defending their right to hunt in their traditional territory.

Nuu-chah-nulth awarded right to commercial fishery after court fight

[Times Colonist](#)

July 3, 2013



National Chief of the Assembly of First Nations Shawn Atleo speaks at a news conference in Ottawa on January 10, 2013. THE CANADIAN PRESS/Adrian Wyld

The B.C. Court of Appeal has ruled a Vancouver Island First Nation has the right to conduct commercial fisheries.

The 10-year legal fight over fish and shellfish fisheries wound its way to the Supreme Court of Canada before the final word was released Wednesday from the province's appeal court.

The Nuu-chah-nulth went to court saying its people have been fishing and trading their catch long before Europeans arrived, and that translates to modern-commercial fishing rights.

The Canadian and B.C. governments, along with several interveners, challenged the claim to the Supreme Court of Canada, which then referred the case back to the B.C. Court of Appeal.

The appeal court has now upheld the lower court ruling that said the Nuu-chah-nulth had long-standing trade networks, and that trading in fisheries resources was part of the culture around the time of first contact.

"The evidence that was accepted by the trial judge supported the thesis that a variety of fish species were harvested and traded by ancestors of the respondents," Justice John Hall said in his ruling.

The Nuu-chah-nulth represent more than a dozen First Nations on the west coast of Vancouver Island, including the Ahousaht, home to Assembly of First Nations Chief Shawn Atleo.

Atleo praised the decision and said the ruling should spur the federal government to negotiate a commercial harvest for the Nuu-chah-nulth.

"Once again the courts have upheld our inherent rights to a commercial fishery as we, the Nuu-chah-nulth, have fully demonstrated that both harvesting and selling fish were and continue to be integral to our society and economy," Atleo said in a news release.

"Governments must finally get to the negotiating table as instructed by the courts to recognize and reconcile our rights."

© Copyright 2013

Ottawa rebuked for holding back First Nations documents

[CBC News](#)

Jul 4, 2013 1:00 PM ET

Laura Payton

A federal tribunal has rebuked the government for hiding documents in a challenge over funding for First Nations children.

The Canadian Human Rights Tribunal says the federal government knew about 50,000 documents "prejudicial to its case and highly relevant" in 2012, but didn't disclose them until they were revealed this year in a request under federal Access to

Information laws. That evidence makes up two-thirds of the records to be handed over in the challenge.



Cindy Blackstock has brought a challenge against the federal government over the level of funding for First Nations children's services. (CBC)

Cindy Blackstock, the woman [who mounted the challenge](#) on behalf of the First Nations Child and Family Caring Society of Canada, only found out the documents existed after filing a request under access laws.

The tribunal [says in its decision](#) that the government knew it wouldn't be able to finish disclosing relevant documents in time to meet its deadline, but didn't mention the fact during at least two meetings about the hearing this spring.

"The Respondent [the government] withheld this information from the parties and the tribunal. Only following the Caring Society's letter regarding the [access] request, in a letter dated May 7, 2013, shortly before the third week of the hearing was scheduled to commence, did the Respondent inform the parties and the tribunal of the existence of 50,000 additional outstanding disclosure documents," the tribunal says in its decision.

The tribunal has also ordered the government to do a rolling disclosure every three weeks to prevent a last-minute avalanche of documents on the Aug. 31 deadline.

The rebuke comes out of a decision handed down in June. The reasons for the decision were only released Wednesday to speed up the ruling. The tribunal noted that the proceeding, which started in 2007, has already been "marked by a number of significant delays."

LSUC applies Gladue principles in discipline case

[Canadian Lawyer Magazine](#)

04 July 2013

Yamri Taddese

A Law Society of Upper Canada [appeal panel](#) says Gladue principles apply in disciplinary hearings, albeit differently than in criminal proceedings.

The panel made the comments while allowing the appeal of a Sarnia, Ont., lawyer who argued his Aboriginal status should have been considered as a mitigating factor in his sentencing.

Terence Robinson pled guilty to an aggravated assault in 2009. He agreed that his conviction "amounted to conduct unbecoming a lawyer," according to the law society appeal panel decision. But Robinson took issue with a hearing panel that decided his Aboriginal background was not a mitigating factor while determining the length of his suspension.

The hearing panel imposed a two-year suspension, which was reduced to 12 months on appeal.

The initial suspension was imposed after the hearing panel dismissed evidence that Robinson was discriminated against as a lawyer because of his Aboriginal background. He could have been mistreated for a number of other reasons, the panel concluded.

"Perhaps the lawyer was difficult counsel. Perhaps he refused to grant indulgences or to extend courtesies. We will never know because the lawyer chose not to testify, which is his right," the hearing panel had said.

Disagreeing with this finding, the appeal panel said the available evidence suggests Robinson is in fact a well-mannered lawyer who could not have been mistreated because of his character alone.

"In our respectful view, the hearing panel erred in concluding that the appellant's Aboriginal background was not a mitigating factor," said Mark Sandler, who wrote on the behalf of appeal panel.

Sandler added: "In our view, it was unreasonable to conclude that there was no evidence that the appellant had been treated differently as a result of his Aboriginal heritage and/or his defence work."

The hearing panel had also lamented the lack of "case-specific evidence" when it comes to how Robinson's racial background affected him.

"We disagree," Sandler said. "Here, there was case-specific information, presented by unchallenged witnesses, that the appellant had been subject to differential treatment based on his Aboriginal heritage and/or his defence work on behalf of Aboriginal clients.

"With respect, the hearing panel misapprehended or failed to appreciate the evidence on point," Sandler added, citing evidence of Robinson's history of racial profiling by police.

In addition to the finding on discrimination, the appeal panel also disagreed with the hearing panel that Robinson had to prove being adversely affected by his mother and grandmother's history of residential school.

"We were also told that the lawyer's mother and grandmother were sent to residential schools," the hearing panel had said. "There is absolutely no evidence that the lawyer was adversely affected because of his mother and grandmother having been sent away to residential schools as children."

Although it did not affect its ultimate disposition, the appeal panel said Robinson should not have to prove that the residential school legacy affected him.

"The Supreme Court of Canada has noted the intergenerational impact of the residential school system and other manifestations of racism and discrimination, and cautioned against placing an impossible burden on Aboriginal people to demonstrate such impact," Sandler added.

The altered sentencing means Robinson has now concluded his suspension.